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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1888.

No. ~~329~~ 59

WILLIAM H. ROBERTSON, COLLECTOR OF THE PORT OF NEW YORK, PLAINTIFF IN ERROR,

vs.

LOUIS LUTZ AND JOSEPH MOVIUS.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

FILED AUGUST 19, 1886.

1 *Writ of error.*

UNITED STATES OF AMERICA, *ss:*

The President of the United States to the judges of the circuit court of the United States for the southern district of New York, greeting:

Because in the records and proceedings and also in the rendition of the judgment of a plea which is in said circuit court before you, between Louis Lutz and Joseph Movius, plaintiffs, and William H. Robertson, defendant, a manifest error hath happened to the great damage of the said William H. Robertson, as by his complaint appear. We being willing that the error, if any hath been, should be duly corrected, and full and speedy justice done to the party aforesaid in this behalf, do command you, if judgment be therein given, that under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you may have the same at Washington on the second Monday of October, eighteen hundred and eighty-six, in the said Supreme Court, to be then and there held that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done thereon to correct that error, what of right and according to the laws and customs of the United States should be done.

Witness, the honorable Morrison R. Waite, Chief-Justice of the said Supreme Court, the 4th day of June, in the year of our Lord one thousand eight hundred and eighty-six.

[SEAL.] TIMOTHY GRIFFITH, *Clk.*

The foregoing writ is hereby allowed.

WM. J. WALLACE.

2 (Indorsed:) 9577. U. S. Supreme Court. William H. Robertson, plaintiff in error, against Louis Lutz and ano., defendants in error. Writ of error. Stephen A. Walker, attorney for plaintiff in error.

Due service of a copy of the within writ of error is hereby admitted this 4 day of June, 1886.

HARTLEY & COLEMAN,
Attorneys for Defendants in Error.

UNITED STATES OF AMERICA,
Southern district of New York, ss:

3 I, Timothy Griffith, clerk of the circuit court of the United States of America for the southern district of New York, in the second circuit, by virtue of the foregoing writ of error, and in obedience thereto, do hereby certify that the following pages, numbered from four to eighty-four, inclusive, contain a true and complete transcript of the records and proceedings had in said court in the case of William H. Robertson, plaintiff in error, aga't Louis Lutz a'd Joseph Movius, defendants in error, as the same remain of record and on file in said office.

In testimony whereof I have caused the seal of the said court to be hereunto affixed, at the city of New York, in the southern district of New

York, in the second circuit, this seventeenth day of August, in the year of our Lord one thousand eight hundred and eighty-six, and of the Independence of the United States the one hundred and eleventh.

[SEAL.] TIMOTHY GRIFFITH, *Clk.*

4 *Summons.*

Supreme court of the State of New York, city and county of New York.

LOUIS LUTZ & JOSEPH MOVIUS, PLAINTIFFS,
against
WILLIAM H. ROBERTSON, DEFENDANT.

To the above-named defendant:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer on the plaintiffs' attorneys within twenty days after the service of this summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you by default, for the relief demanded in the complaint.

Dated New York, Jan'y 17th, 1885.

HARTLEY & COLEMAN,
Plaintiffs' Attorneys,
Office and post-office address, 62 *Wall street, New York City.*

5 (Indorsed:) N. Y. supreme court. Louis Lutz, &c., against William H. Robertson. Summons. Hartley & Coleman, pl'ffs' attorneys, 62 Wall street, New York City.

Complaint.

6 Supreme court of the State of New York, city and county of New York.

LOUIS LUTZ & JOSEPH MOVIUS, PLAINTIFFS,
against
WILLIAM H. ROBERTSON, DEFENDANT.

Plaintiffs complain—

1st. That defendant was, during the times hereinafter named, collector of customs of the United States at the port of New York.

2d. That plaintiffs were, during said times, partners in trade, under the firm name of Lutz & Movius, and as such duly imported and entered at the port of New York the goods described in the bill of particulars annexed.

3d. That plaintiffs, in order to obtain said goods, were compelled to pay the defendant, as such collector, in excess of the lawful rate of duty on said goods and of the amount required by law, the sum of seventeen hundred and five $\frac{55}{100}$ dollars.

4th. That plaintiffs filed with said defendant due and timely protests, in writing, upon each entry of said goods against his decision exacting such duty, setting forth distinctly and specifically the grounds of objection thereto.

5th. That plaintiffs made due and timely appeals on each entry to the Secretary of the Treasury, who affirmed the decision of the defendant

upon certain of said entries, and as to the rest neglected for more than ninety days, as well from the dates of said appeals as prior to the commencement of this action, to decide said appeals.

6th. That the bill of particulars, hereto annexed, states for each importation separately the date of entry at the custom-house, of the payment of duty in excess, of the filing of the said protests, of the appeal to the Secretary of the Treasury, and of his decision thereon, if rendered, together with the other particulars required by law, and is made a part thereof.

7th. That said sum, so exacted as aforesaid, has never been repaid to plaintiffs, and is still due and owing to them.

Wherefore, plaintiffs demand judgment against defendant for the sum so exacted as aforesaid, with interest on the several sums named in the bill of particulars, from the several dates of payment as appear thereby, together with the costs and disbursements of this action.

HARTLEY & COLEMAN,
Attorneys for Plaintiffs.

(Indorsed:) 2519. Supreme court, city and county of New York. L. Lutz & al. against William H. Robertson. Complaint and bill of particulars. Hartley & Coleman, plff's. attorneys, 62 Wall street, New York City.

Due service of a copy hereof is hereby acknowledged this 26 day of Jan'y, 1885.

ELIHU ROOT,
U. S. Atty., Atty. for Deft.

7 *Bill of particulars.*

Name of importer (for all the importations), Lutz & Movius.

[*Imported from Liverpool.*]

Description of goods.	Name of vessel.	Date of invoice.	Date of entry at custom house.	Date of payment of duties in excess.	Amount of duty illegally exacted.	Date of appeal to Secretary of the Treasury.	Date of Secretary's decision.	Amount.
Acid:		1883.	1883.	1883.		1884.	1884.	
Rosalic ..	Baltic	Nov. 2	Nov. 19	Nov. 19	$457.10	Feb'y 23	Oct. 21	$455.30
"	Lisnacriere	" 25	Dec. 22	Dec. 22	616.00	Jan'y 21	" 21	459.21
		1884.	1884.	1884.	1884.			
Picric ...	Arizona	Jan'y 9	Jan'y 22	Jan'y 22	155.05	Feb'y 9	" 29	465.10
"	City of Richmond	Feb'y 8	Feb'y 25	Feb'y 25	155.05	Mar. 18	" 29	467.9
"	Abyssinia	Ap. 5	Ap. 18	Ap. 18	155.05	May 13	.....	471.25
Rosalic ..	Gallia	June 14	June 27	June 27	67.90	July 19	Nov. 18	481.29
"	Celtic	June 24	July 7	July 7	99.40	" 26	" 18	483.10

8 *Certiorari.*

The President of the United States of America to the judges of the superior court of the city of New York, greeting:

[L. S.] We, for certain reasons, being desirous that our circuit court of the United States for the southern district of New York, in the second circuit, shall be certified of a certain cause commenced before you against William H. Robertson, defendant,

by Louis Lutz & o'rs, plaintiffs, do therefore command you that the record and proceedings in the said cause you distinctly and openly send to the said circuit court, at the city of New York, on the 7th day of February, 1885, as fully and amply as the same are remaining before you, by whatever names the said parties may be called therein, together with this writ, that our said court may cause to be further done thereupon what of right ought to be done.

Witness Morrison R. Waite, esquire, Chief-Justice of the Supreme Court of the United States, the 3d day of February, in the year one thousand eight hundred and eighty-five.

TIMOTHY GRIFFITH, *Clerk.*

ELIHU ROOT,
United States Attorney, Attorney for Defendant.

9 (Indorsed:) 9577. U. S. circuit court. Louis Lutz & o'rs vs. William H. Robertson. Copy certiorari. Elihu Root, U. S. attorney, attorney for defendant.

Take notice that the within is a copy of a certiorari this day issued out of the circuit court of the United States for the southern district of New York.

New York, Feb'y 3, 1885.

Yours,

ELIHU ROOT,
U. S. Attorney, Attorney for Defendant.

To Messrs. HARTEEY & COLEMAN,
Plaintiff's Attorney.

10 *Answer.*

Circuit court of the United States for the southern district of New York.

LOUIS LUTZ AND JOSEPH MOVIUS
vs.
WILLIAM H. ROBERTSON, COLLECTOR, ETC. } 9577.

The defendant answers to the complaint as follows:

I. He denies that the true duty or that the true and lawful rate of duty on the goods referred to in the complaint was as stated in the complaint; and he denies that the plaintiff's were compelled to pay or did pay defendant as collector or otherwise the sum stated in the complaint or any sum in excess of the amount required by law as duties upon the said goods, or that any sum of money unauthorized by law was exacted as duties on said goods or otherwise.

II. He denies that the plaintiffs filed with the defendant any protest or protests in writing in which the grounds of objections to the exaction of duties on said goods were distinctly and specifically stated.

III. He denies that the sum stated in the complaint or any sum is now due and owing the plaintiffs.

IV. He denies that he has any knowledge or information sufficient to form a belief as to whether the goods alleged in the complaint to have been imported at the times therein mentioned were in fact such goods as are described in the said complaint.

11 V. And further answering, defendant alleges that all moneys received by him from the plaintiffs in respect of the importations in the complaint alleged to have been made were demanded of plaintiffs and were by plaintiffs voluntarily paid to him in his capacity as collector of customs, as and for duties due the United States on imported merchandise and were forthwith before the commencement of this action and before the receipt by defendant of any protest or objection on the part of the plaintiffs paid over by the defendant in his official capacity aforesaid to the United States and placed beyond his control.

VI. And further answering, defendant alleges that all moneys received by him from the plaintiffs in respect of the importations in the complaint alleged to have been made were sums due from plaintiffs to the United States as duties according to the rate of duty imposed by law upon articles of merchandise imported by plaintiffs and assessed with duty, and no other sums than duties regularly assessed and ascertained and liquidated according to law upon the plaintiff's entry thereof were collected or received by defendant from the plaintiffs.

Wherefore defendant demands judgment, that the complaint be dismissed with costs.

ELIHU ROOT,
United States Attorney, Attorney for the Defendant.

(Indorsed:) 9577. U. S. circuit court. Southern district of New York. L. Lutz et al., vs. W. H. Robertson, collector, etc. Answer. Elihu Root, United States Attorney, attorney for defendant.

New York, June 13, 1885. Plaintiff's attorney.

To Hartley & Coleman, plaintiff's attorney.

12 *Minutes of trial.*

At a stated term of the circuit court of the United States of America for the southern district of New York, in the second circuit, held at the United States court-rooms in the city of New York, on Friday, the eleventh day of December, in the year of our Lord one thousand eight hundred and eighty-five.

Present, the honorable Hoyt H. Wheeler, sitting as circuit judge.

LOUIS LUTZ ET AL. *vs.* WILLIAM H. ROBERTSON. } 9577.

Now comes the plaintiffs, by Hartley & Coleman, esqs., their attorneys, and move the trial of this cause. Likewise comes the defendant, by Samuel B. Clark, esq., ass't U. S. att'n'y, his attorney. Thereupon a jury is empaneled and the cause proceeds to trial. Counsel for the respective parties stipulate in open court that if the verdict be for the plaintiffs it shall be for the plaintiffs generally, subject to adjustment at the custom-house, under the direction of the court.

After hearing the evidence of the parties, the argument of counsel, and the instructions of the court, on Monday, December 14, 1885,
13 the jury retire, and on their return render a verdict whereby they find for the plaintiffs generally.

It is ordered that a certificate of probable cause be entered herein, and that the defendant have a stay of all proceedings on said verdict for thirty days.

A copy.

TIMOTHY GRIFFITH,
Clerk.

14 United States circuit court for the southern district of New York.

N. S. 9577. CUSTOM-HOUSE,
Collector's Office, June 2, 1886.

L. LUTZ ET AL.
vs.
W. H. ROBERTSON. } Verdict dated December 14th, 1885.

SIR: The adjustment in the above case is as follows:

Amount overpaid	$1,824.90
Interest added to Dec. 14, 1885	204.48
	$2,029.38

Respectfully,
C'd. E. L. HEDDEN,
Collector.

To the CLERK OF THE UNITED STATES COURT
For the Southern District of New York.

15 Therefore it is considered by the court now here that plaintiffs recover of the said defendant the sum of two thousand and twenty-nine dollars and thirty-eight cents, the amount of the said verdict as adjusted at the custom-house under the direction of the court, together with fifty-seven dollars and forty-nine cents interest, from date of rendition, and sixty-three $\frac{35}{100}$ dollars, costs of suit, amounting in all to twenty-one hundred & fifty $\frac{22}{100}$ dollars; and it is certified that defendant had probable cause to make the exaction complained of.

Judg't...	$2,029.38
Interest .	57.49
Costs....	63.35
	$2,150.22

Judgment signed this second day day of June, A. D. 1886.

JOHN A. SHIELDS,
Deputy Clerk.

16 (Endorsed:) U. S. circuit court, southern district N. York. Louis Lutz et al. vs. W. H. Robertson. Judg't roll. Hartley & Coleman, pl'ff's att'ys, 62 Wall st., city. U. S. circuit court. Filed Jun. 2, 1886, 3 p. m. Timothy Griffith, clerk.

17 *Bill of exceptions.*

United States circuit court, southern district of New York, in the second circuit.

LOUIS LUTZ ET AL.
against
WILLIAM H. ROBERTSON. } N. S. 9577.

Be it remembered that afterwards, and on the 11th day of December, 1885, the issues in this cause came on for trial in this court before the honorable Hoyt H. Wheeler, district judge of the United States for the district of Vermont, duly assigned to hold a trial term of this court at the city of New York, and a jury duly empanneled and sworn, and the following, among other things, occurred:

The plaintiff, to sustain the issues joined, called as a witness

JOSEPH MOVIUS, who, being duly sworn, testified that he was one of the plaintiffs in this action and a partner in the firm of Lutz & Movius; that he was engaged in the business of dye-stuffs, aniline dye-stuffs, extracts, and imported an article called picric acid, and being shown certain en-
18 tries and invoices, testified that they were his, as well as the protests, appeals, and decisions named in the bill of particulars.

Being shown an entry by the Lisnacebe Ex. 3, testified that the goods in that invoice were coralline and rosalic acid; that he has been in business about 10 years; that he did not consider himself an expert in colors; that he had seen rosalic acid for 10 years; that rosalic acid is generally known and has been bought and sold in trade and commerce in this country since his acquaintance with it as coralline; that it was also known as rosalic acid; that he knew an article called picric acid, and that was the only name he knew it by; that he sold rosalic acid to the manufacturers of pulp colors.

The plaintiff then called

JAMES P. BARNETT, who was duly sworn, and testified that he was a manufacturer of colors, doing business in New York, and had been for 17 years, and was also a physician; and that for 17 years he had been acquainted with an article called rosalic acid; that he had imported it for 17 years, and was one of the earliest importers; that he had imported more than half of the whole quantity brought into this country; that it is used
19 for the manufacture of colors, red, and all reddish shades; it is made into pigments, principally used for wall papers by wall-paper manufacturers; not used for any other purpose to his knowledge that the manufacture of pigments; is not used to his knowledge itself as a color or a dye, and he never knew it to be used as a color or dye in the trade and commerce of this country. An attempt was made to use it as a dye abroad in the early period of its introduction into commercial use; he tried to sell it to dyers for a period of four or five years; had no success; they tried it and wouldn't use it; that he is a practical chemist; that he is a acquainted with rosalic acid; that it is an acid; that it is made of carbolic acid, oxalic acid, and sulphuric acid; that carbolic acid is used for medicinal and manufacturing purposes; that nitric and oxalic acids are both largely used for manufacturing purposes; carbolic acid is used for medicine and nitric acid to a small extent.

Acquainted with picric acid; deals in it; is an acid used for the manufacture of explosives, and used in beer; also used in composing dyes and for other purposes.

Being cross-examined, the witness testified that as far as his un-
20 derstanding went he spoke positively about picric acid being an acid; that he had combined it with bases forming a picrate of lead in the same manner that he would make a salt of lead with another acid; he has made salt of lead with picric acid; that he considered everything an acid that unites with lead to form a salt; anything that unites with lead after the manner of acids in general; that is, by giving them a hydrogenation. Being asked if he considered that to be an acid, he answered, that is the most prominent characteristic of an acid; that it was a characteristic and not a definition. Asked whether anything that had that characteristic was an acid, he said that is one of the prominent characteristics of an acid; that he hardly thought that was universally true of every acid; that there were other tests of whether a thing was an acid or not. Asked what was the usual tests, answered, sour tastes; these picric acids did not have a sour taste, but there were many acids that had no taste; that another was the characteristic of reddening litmus paper; that picric acid would not do that; that those were the three chief characteristics he thought that the chief one was combining with bases to make a salt; that
21 was not a characteristic of all acids; there were a great many acids which have not the sour taste, and do not redden litmus. Being asked whether there was anything else that he based his opinion on that picric acid was an acid except the quality of uniting with lead to form a salt, said, "Well, I base my opinion also upon the opinion of authorities."

At the date of the passage of the act of March 3rd, 1883, scientific authority was not uniform on the subject. Being asked, "Is this also a test of whether a thing is an acid or not, in addition to the three you named, that the article under examination acts upon metals?" he said to the best of his knowledge it did.

Q. Is it so that picric acid acts upon metals, the result being the evolution of hydrogen?

A. You mean put the picric acid in metals? Oh, it will not do so; it will act upon a metallic compound in such a way that it will combine with the metal of the compound and give up its hydrogen in place of the metal which it contains; it will unite with a metallic hydroxyd compound and form a salt and water.

Q. Those are the four tests that are usually applied, and picric acid answers to one of them?

22 A. No, sir; to the chief characteristic test; I say chief tests, because that test is applied to more acids than any other test I know of; that he had himself applied it to picric acid, to acids generally in many cases; that he is acquainted with marsh gas; that he believed that was not an acid.

Q. Does that act upon metallic hydroxyds, forming salt and water?

A. I never experienced with it and don't know whether it does or not; don't know as a matter of scientific authority; never examined the action of marsh gas particularly; that he thought alcohol was not an acid; that he don't know whether alcohol would act upon a metallic hydroxyd and form salt and water or not; that he believed picric acid was a dye; that

it was in commerce derived from carbolic and citric acid; that carbolic acid crystallized is derived from crude carbolic, and that from coal tar; that coal tar is the practical source of supply of all the parts of picric acid. That rosalic acid is an acid, and that he was as positive about that as he was about picric acid, and that he based that conclusion from his experience of 17 years in handling it, and upon nothing else.

Q. What test of an acid does rosalic acid need?

A. Combined with basis to make salts in the same manner other acids will.

23 Q. Is that the only reason you have for calling it an acid?—A. Also the testimony of authorities upon the subject. It is not sour; he believes it has no taste, not being soluble; it is not red; it is dark green; never saw any that would turn litmus red; never applied any, but think it would.

The only reason for calling it an acid is the opinion of authorities, and the fact that it unites with metallic hydro-oxydes to form salt and water; don't know that marsh gas does the same; does understand that marsh gas is not an acid; has heard of phenols; some call one thing a phenol & some others; carbolic acid is the phenol and all subdivisions of carbolic acid are subdivisions under the phenol; believes phenol to be a name for a division of chemical substances. It has been so treated by some authors.

Q. Is not rosalic acid itself a base?—A. Not to my knowledge. I have used it constantly to unite bases.

As far as he knew, the majority of authorities at the date of the passage of the act were uniform that rosalic acid was an acid; that there might have been a few authorities the other way, but he could not recall one; that he is acquainted with Roscoe and with Schorlemmer. Ball he

24 had not read; that Roscoe, Schorlemmer, and Ball were authorities in chemistry; that he is acquainted with the chemical views edited by William Crookes, F. R. S.; that it is a recognized authority.

Q. I show you volume No. 999, dated Jan. 17, 1879, an artic'e on the combination of aurine with mineral acids by Schorlemmer; that is the Schorlemmer you referred to?—A. I believe it is.

There is only one rosalic acid in commerce. Schorlemmer aurine might be different; don't know, but one rosalic acid alluded to in this case isn't derived from rosaniline at all; should judge it to be different from the very fact that it is made from rosaniline. There may be two substances called rosalic acid, one made in lab'ratories and the other the rosalic acid in commerce.

Q. "Being there for a base," is that it?—A. If it was. The fact that he distinguished between rosalic acid and aurine shows that he is not speaking of the rosalic acid of commerce.

Aurine is another name for the rosalic acid of commerce and coralline.

Q. Aurine is a name used by the dealers in aniline dyes?—A. Not usually; generally rosalic acid is the general name.

25 Does not know that it published in his catalogue under aniline dyes or colors; never seen them; don't believe the rosalic acid of commerce forms a compound with mineral acids; don't believe it will crystal'ize; don't know. The practical source of supply for the aurine or *cor*ralline of commerce is carbolic acid, oxalic and sulphuric acid.

Q. Coal tar?—A. Well you have to [got to] take into consideration sulphuric acid and oxalic acid also; you couldn't get it without these.

Q. What is the practical source of supply for the rosalic acid of commerce?—A. Sulphur is one of the sources, coal tar is another, soda is another.

Q. What is the main source?—A. Coal tar supplies one-third. I mean one-third of the bodies used to make rosalic acid.

Don't think rosalic acid exists as such in coal tar. Rosalic acid is not a dye to his knowledge.

Q. Do you agree with this from Schorlemmer, page 611, "Aurine C_{20} H_{14} O_3; this compound is found in commerce under the name of coralline or rosalic acid, and is used for dyeing silk and wool"?—A. Might have been at the time he wrote that; if he says it was so, it was; I don't know.

Q. In 1874?—A. It might have been when he wrote that. My
26 information is that they tried to use it as a dye in England, and its use has been abandoned; don't really know that.

Acquainted with Calvert's Dyeing and Printing Manual; is a work of authority.

Q. Do you agree with this, page 461, "Coralline gives a variety of fine red shades, which are easily modified by the proper re-agents, but its liability to change renders it somewhat difficult to fix the color on fabrics to which it is applied"?—A. I suppose it is true if he says so.

Q. It may, however, be printed with albumen or lactarine, 8 ounces of aurine solution added to 2 pounds of lactarine, dissolved in one pint of am'onia gives good results. The calcium and lime lakes of coralline are largely employed by paper stainers." That is what you know it as?—A. That is what we use it for.

Q. Do you agree with this, page 463, "Red coralline is much used for dyeing wool"?—A. I don't know.

Q. He is authority on that.—A. He is authority [extract read]: Red coralline is much used for dyeing wool, but it has the disadvantage that when it comes in contact with acids the red color fades to yellow; this may be prevented, however, by the use of calcined magnesia, the
27 coralline being dissolved in water or alcohol. The color produced is a rich, Turkey red, which maintains its intensity and brilliancy for years. This red shade can be produced at about 2 thirds the cost of that from cochineal, and has the advantage that it is not turned blue by washing in water containing much calcicum carbonate." [Witness shown book.] That appears to be a piece of cloth dyed with aurine given as an illustration. Is acquainted with Crooke's Hand Book on Dyeing and Printing; it is a book of authority; believes he gives samples of cloth dyed in aurine; has tried in his own experiments to use rosalic acid in dyeing; have tried to introduce it, but none of them would use it in this country; what was done in foreign countries he don't know. These books were printed in 1874 or thereabouts; rosalic acid was introduced in commerce about 1864 or 5, and experiments were made, to his knowledge, and great efforts were made to use it in dyeing abroad, and finally now, as far as his knowledge goes, the use as a dye has been given up, the experiments abandoned; here it has never been successful as a dye, rosalic acid, commercially speaking.

Q. Picric acid is a dye?—A. It is used.

Redirect:

28 In trade and commerce picric acid is known entirely as picric

acid. Rosalic acid is known chiefly as rosalic acid and occasiona'ly as aurine or corolline acid.

Q. Under what class are they known?—A. They are simply called for as rosalic acid; they are called for as an acid. If they call for rosalic acid they want the article rosalic acid. By calling for it they don't classify it.

In all chemistries a list of acids is given; they always appear as rosalic acid and picric acid in them. Nitric acid is an illustrative name or description, besides picric acid and carbolic; as a physician he knows picric acid has been administered as a tonic; acquainted with U. S. Dispensatory; has the highest reputation; under the title of acids in Schorlemmer's book, picric acid and rosalic acid both appear.

Recross:

Chief use of picric acid is not as a medicine but as a dye; rosalic acid not used at all as a medicine; as an article of commerce picric acid is mainly used as a dye; rosalic acid is mainly used to make lake and colors.

29 Q. Is the coloring principle in the lake?—A. Not entirely.

Q. Isn't it one of the coloring principles?—A. On the same principle that any two component parts of a color, one would form or take a part in forming the color of course; you couldn't call either one of them the coloring principle; you couldn't get the particular color you wanted without the combination of the two things; to get the color we have to combine it with colorless bases.

Q. What sort of things is rosalic acid usually combined to make a lake color?—A. Magnesia; the object of printing in those bases is to vary the shade of the aurine to get the different colors to suit different purposes, and after those colors are made they are dealt in as articles of commerce. Out of the compound aurine and magnesia you make a lake, give it a fancy name, and sell it to people who buy lakes, wall-paper manufacturers and paper stainers of all kinds. Lake is not quite the same thing as a color; not quite so wide a distinction as a color. It is included in the species of colors.

Redirect:

The process of dyeing and color-making are manufacturing processes. In the chemical books spoken of in the index, rosalic acid and picric acid are given as acids.

To further sustain the issues the plaintiffs called WM. J. MATHE-
30 SON, who, being duly sworn, testified that he did business in New York, and his firm name was Wm. J. Matheson and Co.; that he dealt in dye stuffs, principally with the coal-tar dyes, and had been in business about 10 years. Being shown plaintiff's samples he knew these articles, rosalic acid and picric acid. Rosalic acid is sometimes known as aurine, picric acid by no other name; those are the names known in trade in this country; dealt very little in picric acid, but has in aurine for last 10 years; knows what picric acid is; he dealt in aniline colors. Coal-tar colors and aniline colors are practically the same thing; the proper name is aniline dyes; they are in fact aniline dyes; has sold rosalic acid quite largely to color manufacturers, principally wall-paper manufacturers, people who manufacture it into colors or lakes; knows of no other use for it;

never sold it for any other purpose; supposes James P. Barnett is the largest manufacturer of it; believes it is made from a derivation of coal-tar, that is from carbolic acid; shouldn't say it is known as a dye at all, because it isn't a dye; shouldn't regard it as a dye at all, as it is not to his knowledge used as a dye; never knew it to be practically used for
31 dyeing; sells coal-tar colors; does not handle picric acid; has no faith in it as a dye; don't buy it for a dye any more than he would nitric acid; knows aurine or rosalic acid as been used in commerce since he has been in business.

Cross-examination:

Q. Is rosalic acid a coal-tar color?—A. It is a product from which a color is made.

Q. Is it a coal-tar color itself as the term was used in trade prior to March 3rd, 1883?—A. I have never heard it described as a coal-tar color in trade.

Does not know of ever seeing it listed in lists of coal-tar colors, price-lists; they did not so list it. Has seen Pickhardt and Kutroffs' price-lists [being shown a paper]; should say that was one of them.

Q. Will the way in which Pickhardt and Kutroff class aurine and rosalic acid affect your opinion as to how the trade generally classed them upon the point of whether they class it as an aniline or coal-tar color or not?—A. I should say that their classification would be one of the usages of the trade; it is a first-class house. Is acquainted with E. Sehlbach and Company; has seen some of their price-lists [shown pamphlet]; should say that was one; after looking at those price-lists and answer-
32 ing the question as to whether or not the trade generally in this country classed rosalic acid or aurine or coralline as a coal-tar color should say they were not classed as coal-tar colors any more than indigo extract or artificial alizarine which he finds; finds them in the same list in the case of Pickhardt and Kutroff, under the head of reds; sees aurine refined; shouldn't conclude from these price-lists that the trade usage was to class rosalic acid as an aniline color or a coal-tar color.

Q. You find them under the special heads, do you not; those other things you spoke of under the head of extracts?—A. I found "extracts and carmines and artificial alizarine" is another head.

Q. Now take the list of reds, are they aniline colors in the trade?—A. I should say they would be known as aniline colors; aurine I find is put in them [shows a paper]; should say that was Adolph Klipstein's price-list.

"Q. Does that help you to say whether or not in the trade aurine was regarded as a coal-tar color?—A. I think under the head of red aurine is mentioned; under the general head aniline dye soluble in water.
33 "Q. Then under red come aurin'?—A. Yes, sir." Coal-tar dyes are popularly known as aniline dyes. Have you heard of azo dyes?—A. We know the azo dyes, yes. The witness also testified he knew the phenol dyes, Thaline dyes, nap'thaline dyes, and that these were included in the coal-tar colors as a general name; that the expression coal-tar dyes, and the expression coal-tar colors, as used in trade, were used to group in a variety of colors; that under the general generic phrase the azo colors were included; might say azo dyes; knows of no azo colors; azo colors comes within the expression coal-tar dyes and phenol

dyes and phenol colors; phenol brown is a Bismarck brown; nap'thaline phenol dyes comes within the general expression, and aniline dyes.

Understands there is a strict meaning of the term aniline dyes which include the azo and then popularly and loosely aniline is used as synonomous with coal tar; deals in a color called azo scarlet, it is a dye; don't know whether or not an acid; deals in colors called soluble blues, knew them as soluble blues, not as acids; don't know whether they are or are not acids as a matter of fact, and don't care; deals in colors called alkaline blues; don't know whether are acids, and don't care; deals in acid
34 brown; don't know whether it is an acid; it is called acid brown because it is dyed with an acid, and the reason alkaline blues are called so is because they are dyed with analine with a bath. Whether these things he has been asked about are acids or have acids properties or not, is a thing he dosen't care about; don't know whether the class of dyes known as azo dyes are generally acids or have acid properties.

Redirect:

Doesn't regard these articles in suit dyes at all.

Recross:

Hardly deal in picric acid at all and knowledge is very limited about it. Is probably the largest importers of rosalic acid and sell it entirely for making colors and lakes.

Redirect:

Is aware that in the guides for dyeing and printing there are samples, pieces of cloth dyed with coralline and aurine. Is acquainted with Calvert's book; finds at page 461 a sample dyed with aurine; finds another on the next page marked coralline which is another name for rosalic acid.

To further maintain the issues joined, the plaintiffs called AU-
35 GUST KLIPSTEIN, who being duly sworn testified that he was an importer of colors, dyes, and chemicals, and had been in business about 12 years; that he knew the articles picric and rosalic acid, and imported them; that rosalic acid was used for making paints, lakes; that it was called in trade in this country rosalic acid or aurine; that he had dealt in it for several years; that he had it on his list as, also, picric acid; he would not consider these articles aniline colors or dyes (shown a paper); that is our present price-list, and that (shown another) is our list for 1878.

Cross-examined:

Is familiar with the expression "coal-tar colors and coal-tar dyes." Prior to the tariff act of 1883 the term coal-tar dyes was not used; it was aniline colors; it may have been used by dye-stuff people; that he was an importer of both rosalic acid and picric acid; that in his price-lists he classed them among the acids; that he was sure of this. [Shown a paper marked Def't's Ex. A.] That is one of our price-lists. Fuch'ines are aniline dyes; poncean is an aniline dye; scarlets, red, 1, 2, 3, are aniline dyes; saffranine, different shades, are aniline dyes; eosine, soluble in
36 water, for wool, cotton, and silk, are aniline dyes; orange and yellow are aniline, some of it.

Q. Now see what you have got down there. "Aniline-orange N, aniline-orange B, picric acid." Do you change your testimony?—A. Would I call them picric acid?

Q. The next heading is phosphene; is that an aniline?—A. Dye.
Q. The next are browns; are those aniline?—A. Yes.
Q. Then methyl violet?—A. Yes.
Q. Then methyl green?—A. Yes.
Q. Acid greens?—A. Yes.
Q. Alkaline or Nichol blues?—A. Yes.
Q. Gray?—Yes.
Q. Then comes the heading "Calico printing specials."—A. Yes.
Q. Ultramarine blue; is that an aniline?—A. No.
Q. Then, on the back, "Special dyes and chemicals for wools, &c.—Sundries," and under that is a list of acids, which I will read, or you may, except the statement, which don't include picric acid or rosalic
37 acid. I understand the way that price-list was made up all the colors specified in the first three columns are aniline colors; is that so?—A. I would except from that picric acid.

To further sustain the issues plaintiff called—

P. SCHULTZE-BERGER, who, being duly sworn, testified that his business was paints, aniline dyes, chemical, and different goods; that he had been in business for five years; that his firm was Schultze-Berger and Korchi; that he was acquainted with rosalic acid, and with picric acid somewhat; that he sells both at times; that picric acid was used for making paints, or rather lakes; that he had known it used for that purpose for 13 years; that it was not used practically for any other purpose; that when tried it had been a failure; that he had dealt in picric acid very little.

Cross-examined:

Familiar with the expressions "coal-tar dyes" and "coal-tar colors"; that under these expressions the azo colors were included; that he understood it in the trade as a coal-tar dye.

Q. Were the nap'thaline colors and dyes included under the
38 general expression?—A. As a rule we don't speak about coal-tar dyes, but aniline colors.

Q. It is a general term that is used, isn't it?—A. Not in the trade, I think. It is more by the Government and at the custom-house.

Q. I mean before the Government put it in the statutes; that was in March, 1883.—A. Not to my knowledge was the term "coal-tar colors" or "coal-tar dyes" applied by the house selling it; the term was aniline. He always spoke about the azo colors as aniline colors; the fuchsine colors are not.

Q. The nap'th'line colors?—A. Phenol colors only came out a very short time.

Never heard picric acid called a phenol color; that may be the chemical name; don't class aurine or coralline or rosalic acid among the aniline colors; did not, that he knew of, in his price-lists. [Shown paper.] That is our price-list of 1880. (Marked def't's Ex. B.)

WITNESS. I should certainly not offer aurine as an aniline color.

Q. I ask you what these colors are under the head of reds. What is fuch'ine?—A. That, so far as I know, is an aniline color.

Q. What is crimson?—A. Pure shade of fuch'ine. That is a
39 color on my price-list. It is a pure shade of aniline color of the

fuchsine; ruby is the same. Eosine I would offer, and have sold, is an aniline color; erythosyne would sell as an aniline color, and scarlets, B. B. cardinals, poncean, saffranine, not aurine.

Q. You don't offer it so?—No.

Q. I ask you whether in your price-list the aurine is not classed among the red aniline dyes and not among the sundries, as you have stated?—A. It is decidedly under the red; it is not in the sundries.

Q. And all the reds in the list are aniline?—A. By no means. The aurine is not an aniline.

Q. All the others, then?—A. Allow me. Eosines are not strictly aniline colors, but they are in the trade because they are used by the salesmen as anilines.

Q. Now isn't it true that aurine, whether in fact an aniline dye, was so held out to the trade?—A. No, sir; never was; not to my knowledge by use, nor the house where I used to be with when I sold it for them.

Q. You describe these price-lists, don't you, in a way the customers will understand?—A. Yes.

Q. The next division is yellow and oranges?—A. Yes.

Q. And under that you have put yellow primrose, orange, chrysoidine, and phosphine?—A. Yes.

40 Q. Are those anilines?—A. No; they are partly, I think, azo colors; but they are sold and used like aniline colors and are so regarded in the trade.

He offered those colors under the head of yellow and oranges in 1880, when the price-list was issued, as aniline colors.

The next head is blue. Under that is the Nicholson blue with various shades; offers them all as anilines. The next head is green. Those are all anilines, and the violets, too.

Q. And the brown?—A. No; they are not all; the chestnut brown is a mixture of mine.

Q. Do you hold that out as an aniline color?—A. No, sir.

Q. You hold it out to the trade just as you have put it down on this paper, don't you?—A. As chestnut brown.

Blues and violets; those are anilines and parme and indroline, indigotines, extract of indigo, carmine of indigo, indigo chemically pure, are not; then there is a sundry provision.

Redirect:

The indigoes were blues and were put in the same as the others with the bases of color, and all his different stock of aniline was classi-
41 fied according to the shade which they will give, irrespective of their origin.

To further sustain the issue the plaintiff called—

HENRY MORTON, who being duly sworn testified that he resided in Hoboken, and was president of the Stevens Institute of Technology in that place; that for more than 25 years he has devoted a great part of his time to the study and practice of chemistry; that he was professor of chemistry in the University of Pennsylvania before he accepted his present position fifteen years before, and since then had been constantly at work on questions of investigations; that he had had to do with rosalic acid and picric acid, and was also acquainted with their manufacture. Picric acid

was discovered by Hustace in 1788, and was formed at that time and for a long time afterwards chiefly from nitric acid; it was, however, formed from a number of other substances. It may be formed from silk by distilling silk over and over again, by putting silk in nitric acid and distilling it, and in fact it can be produced generally by the action of strong nitric acid on animal matter, animal skins, and the like; it can
42 also be formed by the action of strong nitric acid on carbolic acid; knows of no way of making it without nitric acid; it can be made without any derivative of coal-tar. Carbizotic is another name for picric acid; picric acid is known by quite of number of names; carbozotic is the name by which it was known fifty-odd years ago; it was often and is to-day known as nitric-picric acid—in some price-lists you will find it put down so; the names nitro-picric and carbizotic are found in my experience universally. I went through my chemical library and found no book that referred to the substances that didn't call it an acid, picric acid or carbizotic acid; few called it picric acid. This is true of the theoretical books when its nature is discussed, and on the'retical grounds when its nature was discussed its name was tri-nitro-phenol. But even they called it picric acid. There are two senses in which we can speak of a test or definition of an acid. The general definition of to-day is the old idea that an acid is something which combines with a base to form a salt; that is so nearly the universal idea that the exceptions are too few to be of any account in an ordinary work. At the same time arises the notable
43 fact that one man makes one definition an' another man another; and of all these there isn't one that isn't open to defect—that is a perfect one. Among these there is considerable diversity; but in those very books, when they come to speak of the theory of the thing they would speak of it as the same; they would call it picric acid, is clear that authority and practice among chemi'ts agree that the word acid is sufficiently broad to cover picric acid; is not only an acid, but a very strong acid; it is able to displace every other acid he knows of. Take a solution of potash and add picric acid, the picric acid will push out the solution of potash and take hold of the substance nitrate of silver; it will turn out nitrate of silver. It is a very powerful acid; it is found by the reaction of nitric acid; nitric acid as such does not exist, neither does the carbolic acid exist in the product, but each of them furnishes part, and part is taken from each to build up this new material. Carbolic acid is entirely colorless; nitric acid chemically pure is colorless—commercially it is yellow; carbolic acid is generally recognized as an acid. All the articles of which picric acid is composed have acid properties. In a great number of instances the
44 peculiar operation of nitric acid in dyeing is to make picric acid run even when it is applied to cloth. For instance, if you dip silk in nitric acid you dye it yellow; that is one of the ways that it was used and may be still, by merely dipping silk in strong nitric acid; but if the real action goes on part of the silk is converted into picric acid. Picric acid has been used in dyeing commercially probably 30 years; undoubtedly much longer—ever since its discovery. Coal-tar colors have been used about 20 or 25 years. Picric acid was discovered nearly 100 years ago; it was used as a dye within his knowledge long before coal-tar colors were used; when it was discovered it was made of indigo in the first instance, then these different gums which were suggested, some of them as being cheaper

than indigo; don't think it was ever manufactured from silk; made from silk for experimental purposes—too expensive a source; in all the early researches referred to as being made from indigo; don't think you could tell from what source a given sample was made, the same chemical product would be there; if it was given to you in the pure you couldn't tell; of course if it was given to you impure and some of the stuff was left,
45 of course you could; nitric acid is the constant source of all these; of course one might substitute the equivalent of nitric acid. Nitric acid is not a coal-tar color or dye; it is always in the ordinary sense an acid; there is an understanding in which we may have an acid called not an acid, but not in the ordinary sense that people talk about it.

What I refer to is what is known as aqui-hydros; in that sense it isn't an acid at all. Is acquainted with rosalic acid; that was discovered in 1834; it was found in the residue that was left when coal-tar was distilled, after the distilling treatment; also found in wood-tar about the same time; it was made at a later period in larger quantities; this first was not a possible commercial course; a very small trace; very minute quantity was found as a chemical curiosity in this residue of certain treatment of coal and wood tars. After that the principal way in which it was manufactured was by heating together a mixture or mixtures of oxalic acid, sulphuric acid, or carbolic acid; these acids were either all three mixed together and then heated, or the sulphuric acid heated and the carbolic acid or the oxalic acid stirred in; they were heated together, then the whole mass
46 poured together, forming a black, solidified looking material, and after a while has green lustre in its surface, which was this rosalic acid; it is easy soluble in alcohol; it was never used to his knowledge in dyeing, but he read about the attempts to use it a great many years ago and the trouble that resulted; it was attempted to use it in England for dyeing stockings, but it was found that the people who wore them got eruptions, and it was found at that time, he thinks, by Hoffman, that it had poisonous effects; this poisonous effect was due to the dye—besides that, it was found it faded—it was no good as a dye—it made a pretty color, and if kept in the dark would do well enough, but if exposed to the light it would not stand, aside from the fact of its becoming poisonous. That use ceased long ago; it is used at present for manufacturing pigments, combined with other substances; thinks the discovery of rosalic acid was before the discovery of the principal aniline color. Acids are used very largely as acids for color-making—sulphuric acid, nitric acid, and hydrochloric acid. Each acid may produce a color directly. Picric acid has been used or recommended in very
47 small doses in medicine; it is used in the manufacture of explosives; it explodes with very great violence when in the form of a picrate. Carbolic acid is never used as a color itself; it has no properties which fit it for such use; it is used in the manufacture of several different colors; it is used for medicinal purposes, as a disinfectant—perhaps that use is one of its largest; it is a medicinal acid, and is also used largely as a preservative. Rosalic acid is made by the mutual reaction of carbolic acid, oxalic acid, and sulphuric acid, all acids. Sulphuric acid is perfectly colorless when pure. In a general way is acquainted with aniline dyes and colors, and has testified at various times. Strictly understood, an aniline color is a color chemically analogous to those colors which were first made from aniline, the type of which is the rosaniline, and the aniline

color is only one of the derivatives of rosaniline, or a color strictly analogous to that; that is the chemical meaning; the trade meaning is broader than this, and varies in different parts of the trade, as one may say. Among druggists and chemical importers the term aniline colors is confined to those colors which he has defined as aniline and to other colors which came out since and were manufactured by and came from
48 aniline works; that is, when a new color came out and was put on the market by one of these aniline firms the trade took it as an aniline color, whether it was or not; in that way these so-called azo colors have come to be known in that sense.

Cross-examined.

The testimony as to picric acid being an acid substantially applies to rosalic acid, except picric is a stronger acid; in his opinion as a scientific, rosalic acid is an acid, for the reason that it has the general properties which distinguish an acid in the ordinary use of that word; its principal one is that it combines with bases to form salts; that is the principal one he relies on; alcohol does that; alcohol is not an acid.

Q. Does quinine do that?—A. Quinine is a base.

Q. Does quinine do that?—A. No; it combines with acids to form salts.

Q. Does it combine with bases to form a salt?—A. Not that I recollect.

Q. Are you sure?—A. All the usual compounds with quinine are salts with acids. For instance, we have the hydrochlorate with acids, and so on. I remember none that forms a part of the acid.

49 Q. Does glycerine combine with acid and for a salt?— It will form a salt in a number of cases. I don't remember any cases of it forming with bases.

Alcohol combines not exactly with bases, but it combines with positive elements, such as sodium; alcohol is one of the few exceptions to the general rule of acid combining with bases to form salts; if taken alone as a rule acohol would be an acid; rosalic acid unites with acids to form compounds; it is not a usual characteristic, as he explained; it is rare, but it is a characteristic of some of the strongest acids.

Q. That they unite with other acids to form staple compounds?—A. Well, reasonable compounds; yes, sir.

Q. Do you agree with Schorlemmer as to rosalic acid being an acid?—A. Well, Schorlemmer puts it down as an acid in his own book, and I agree entirely with him in that statement. He calls it rosalic acid and gives it an index, published in 1874; knows of the investigations he made in 1874; he found that besides combining with bases it would also combine with acids, and said, in his opinion, it might more properly combine with bases; does not agree with him, as a matter of
50 chemical refinement, that is, as to the theory of the strength of these bodies; thinks it would be called an acid; would not class it with the bases; Schorlemmer does that; does not agree with him in that sense; agrees with him on a strict scientific definition, but on other scientific definitions would make it an acid; there are a great many scientific definitions of an acid; one of them is, for example, that an acid is a molecule in which the negative element is united; made hydrogen by oxygen; thinks rosalic acid is an acid according to that definition. Hasn't given it very careful consideration, but thinks it would come under that; another definition is that an acid is a body containing hy-

drogen replaceable by a metal; rosalic acid would come under that definition undoubtedly; alcohol would come under that definition. Another is that an acid is a body containing what is called carbizotic, that is, an atom of carbon combined by two bonds, or one atom of oxygen combined by another bond with an atom of oxygen which has an atom of hydrogen; rosalic acid is not an acid under that definition, neither is picric acid; neither would hydrochloric be; none of these definitions will cover
51 all cases; you have a great many exceptions in all of them.

Q. Then it is true, is it, that the term acid is not a term of definition use' in chemistry?—A. Scientifically speaking, and in strict chemical history, you would have to make a definition suited to the case; but as a general term there is no doubt about it.

Q. Assuming that the term acid has not a a technical precise meaning, scientifically speaking, I ask you if this is the common and generally understood definition, namely, a substance sour and sharp to the taste, that changes vegetable blue colors to red, and combining with an alkali forms salts?—A. It is, to this extent: That it is known that most acids possess almost all of these properties; but it has also been known that there are some exceptions to some of these properties; one is that of being an acid and not having a sour taste.

Q. It might not be an acid and might not have a sour taste, too, I suppose?—A. Yes.

Q. I read this from Worcester's dictionary as being the common, generally understood definition of an acid. Now, isn't that the correct
52 general understanding of the term?—A. It is, also with the knowledge that it is considered that each property must belong to every acid; that is well known.

Q. Do you mean that rosalic acid combines with a base and that the salt resulting contains everything in the base?—A. No.

Q. Separated from the base?—A. Yes. The main or characteristic use of picric acid is not for medicinal purposes. It is hard to say what is its characteristic use; in explosives quite as characteristic as any other; but it is largely used for dyeing; presumes that in this country the bulk of picric acid is used for a dye, because the matter of explosives has never been carried out much in this country. All the acids—sulphuric acid and hydrochloric acid—are used in color-making; sulphuric acid is used in making a good many organic colors; for example, what are known as the sulpho-acids. It is caused by uniting with other matters to form what was known as sulpho-acids, which are then used as colors. The sulphuric acid comes in and unites chemically and constitutes part of the re-
53 sulting dye. In that regard it seems to me it is as close as we can come to the identity of rosalic acid. Don't think we can say the rosalic acid in the manufacture of color furnishes the coloring principle. Neither of them would be of the least use for this purpose without the other, and each of them contributes to the result. In this particular case the rosalic acid itself has an accidental color that resembles the color that it produces in combination; that is a mere accident.

Have heard the expression coal-tar dyes and coal-tar colors used in connection with these suits brought on the basis of the act of Congress; but is not familiar with those terms in the trade; we have the aniline colors, the azo colors, the phenol colors, and so on, but no such rough, indefinite

definition as coal-tar colors; it might mean anything or nothing; the aniline colors are made from the derivatives of coal-tar; the organized bodies are found in coal-tar, indirectly—that is, they get from coal-tar benzol, that is turned into oil of vitriol, then that is turned by zinc—that is the old way, with preparation of zinc, or with iron for a cheap material—into another body known as aniline oil, which is when pure a colorless, oily liquid; after that aniline has still further treatment, being
54 repeatedly combined and re-arranged we get three colors, the first being ordinary fuchsine or magenta; in that sense they come from coal-tar, in that very remote way.

Q. Is there anything that you are acquainted with in the way of dyes or colors that come under the expression coal-tar dye and coal-tar colors, except as they arise under the very complicated reaction that you have referred to?—A. None, except those that were found by this or some similar reaction. In coal-tar are found various chemical bodies—benzol, nap'thaline, phenol, and carbolic acid; and by taking each of these various bodies and treating them properly the result is colors; you couldn't get many colors from all those; some of them are dyes and some few useless. A dye is a substance which will produce a color on the fabric, as in the process of dyeing and calico printing, and a color like a paint won't dye or stain the fabric; it can be spread on it with a brush or printed on it; of these various derivatives of coal-tar the aniline colors come from the benzol, some of the azo colors come from the benzol, and some from nap'thaline; the methylic acid colors are derived probably from nap'-
55 thaline; there are several colors which may be said to come from phenol as regards the fact of their manufacture.

Q. Said to come from phenol in the same sense that the methylic-acid colors come from nap'thaline?—A. In one of the senses it may be said, yes.

Q. That is that the aniline colors come from benzol?—A. In a kind of sense, but in a restricted sense; that is to say, the anilines were invented and come to exist in the world dependent upon the pre-existence of benzol and aniline. There were other colors existing in the world long before these came to exist, and are therefore old colors, which nowadays are made from carbolic acid, for instance, and would have been made even if carbolic acid had never been discovered or had never existed. In that sense as manufactured they come from these colors, but as to historic derivation they do not.

Q. Now the question is, what colors come from phenol?—A. The picric acid, of course, is one of them; and then there are several yellows outside of picric acid—two or three dyes—of which carbolic acid forms the base. Then, of course, carbolic acid is one of the substances also used in
56 making rosalic acid.

Q. Do you know any dye that is made from benzol which does not contain elementary atoms that don't come from benzol, but do come from acids or other agents that are applied to them?—A. No.

Q. Do you know of any dye obtained from nap'thaline that does not contain elementary atoms that don't come from the nap'thaline?—A. I do not.

Q. Do you know any dye made of phenol that doesn't contain elementary atoms that come from acids or some other source or agent existing in the phenol?—A. No.

Q. So that if it be a test of whether pieric acid, for instance, be a coal-tar dye, that it contains atoms obtained from sulphuric acid, and the conclusion from that test be that it is not a coal-tar dye, because it does not, then there is no such thing as a coal-tar dye; is that so?—A. It is correct. Aniline was known long before it was found in coal-tar; it was made from indigo, but that aniline was not a coloring body or known as such. It is a material from which new dye-stuff was discovered. But pieric acid was just as well known as dye-stuff a year after its
57 discovery as it is to-day. Carbolic acid is the practical source from which the pieric acid of commerce is made. Carbolic acid is derived from coal-tar; carbolic acid is the source from which one of the materials of which rosalic acid is made is derived, in the same sense that every azo dye, every aniline dye, every thalic dye is derived; a great many others which are not considered coal-tar dyes, made out of alizarine, which is an artificial madder. They also come from coal-tar in the sense that coal-tar is one of the raw materials used in making them nowadays; shouldn't call alizarine a derivation of coal-tar. Anthracene is another of the derivations, and anthracene as derived from coal-tar is the practical source of supply for the manufacture of alizarine or artificial madder. That article has driven the natural madder out almost entirely in the market. Alizarine natural and artificial is free by name. A great many of the aniline dyes are sold as acids—sold in the form of acid salts or as free—sulpho-acid of rosaniline that is used for dyeing.

Q. If pieric acid is free that is free?—A. No, not at all.

Q. Why?—A. That is a color that was discovered within the last few years, made from aniline, and after aniline was known; whereas
58 pieric acid is a thing that was known and had its existence a century back.

Q. That is the only reason?—A. That is one reason.

Q. It is used in a trade sense for chemical, medicinal, and manufacturing purposes?—A. No; it is used only for dyeing.

Q. You don't call that used for chemical purposes?—A. No, sir. When it is used simply as a dye then I should say it was used for dyeing and that is the only use for it. That is at present the main use of pieric acid; more of it used for that than anything else.

Q. In your judgment that isn't used for manufacturing purposes?—A. It happens to be so; at present its largest use is for dyeing.

Q. That has been its main use since carbolic acid and coal tar were discovered?—A. It has been its largest use; of the aniline dyes acid fuchsine is an acid; acid muriate, no doubt; don't know it by that name; a magenta, he might say, is an old rosaniline red made into a salt; cosine is a salt; acid blue, known as Nicholson blue, is an acid; then there is acid violet, used exclusively in dyeing; no other use that he knows of; the violet is an acid, only used in dyeing, not used in making pigment; some
59 of the azo colors are acids; there is the acid yellow nap'thalamine red is a salt of an acid not used in making pigments, not an acid as it is used; resorcine red thinks not an acid; orange 2 and orange 4 are acids, they are azo colors; not used in making pigments; altogether used in dyeing; color known as fast red is an acid used in dyeing, not used in coloring; a great many of the so-called aniline colors are acid; so of the methylic acids; some of the phenol dyes are acids; as he understands it

pieric acid and rosalic acid do not rank among the aniline colors, nor according to the general trade designation; finds them in all the chemical catalogues referred to generally as acids—the trade circulars; was a witness in the case of Pickhardt against Merritt; testified as follows in answer to questions by plaintiff attorney:

Q. Do I understand you to have said that all coal-tar colors, so far as you know, were classed as aniline dyes and colors in 1870—those that were then known?—A. By the ordinary dealers and people who paid no attention to the nature of the thing.

Q. Was that true of pieric acid?—A. Yes; I think it was on the price-lists, pieric acid and rosalic acid.

Q. They were on the price-lists with aniline?—A. They were
60 on the price-lists with aniline colors and bought and sold as aniline colors.

Q. Although they were known and used long before aniline colors were discovered?—A. Oh, yes; half a century.

Q. Your knowledge of them is not derived from buying and selling them in a commercial way yourself?—A. No, not myself; but from what I have seen in technical books, technical journals, and books on dye-stuffs.

Stands by that, bearing in mind he was speaking of the price-lists of people who dealt in colors—people who were dealing in aniline colors and their price-lists, not the general price-lists of commerce, which would include pieric acid rosalic acid as chemicals—but only those people who dealt in dye-stuffs particularly; the chief use of pieric acid in point of fact was for dyeing, the other for manufacture of pigments, not for dyeing at all; there are a large quantity of acids of aniline colors and of other colors with no acid features or properties; colors may be alkaline as well as acid; it is a mere question of individual colors and their individual use. Aurine may be used as a pure dye; should say it may be used and will give the cloth or silk a color which fades very rapidly.

Plaintiff rests.

61 To sustain the issues on his behalf the defendant thereupon called

JOHN HOLLIDAY, who, being duly sworn, testified that he was in business in the city of New York; was a member of the firm of Reed, Holliday & Son, 9 Cedar st., importers and manufacturers of aniline dyes, coal-tar dyes; been in the business over 20 years; is a professional chemist; studied in Germany and subsequently in England; has been a chemist since 1863; has a chemical and trade knowledge of aniline or coal-tar colors, and has had for over 20 years; knows pieric acid; has manufactured it largely; pieric acid is a yellow dye-stuff made by treating carbolic acid with nitric acid; carbolic acid is derived from coal-tar; pieric acid is known in the trade under the designation and as a coal-tar dye, and its use is as a dye-stuff very largely; knows the article rosalic acid; don't know it much by that name; it generally passes by the name of aurine; has made it; aurine is also made from phenic acid, carbolic acid by combining it with sulphuric acid; it is a derivative from coal-tar, the same as pieric acid; at present the main use of aurine is for the manufacture of pulps and lakes, but it has been used for dyeing, and is used even a
62 little to-day for dyeing, not much, though; it is a coal-tar color certainly. At the date of the passage of the act of M'ch 3rd, 1883,

under the expressions coal-tar dyes and coal-tar colors were included all the dyes produced from coal-tar, from the products of coal-tar. Some of the classes were roseine, all the azo dyes, phenols, orange, yellows; among the yellows, nap'thol yellow; greens, and in fact the list is very long; could hardly give every one of them; aurine and picric acid; it is doubtful whether aurine is an acid or not; it is a question that is hardly settled; you can't combine it; you can't form a salt with it; it is so weak that it won't even decompose; in making colors or pulps it is precipitated by means of an acid, or by means of any acid salt; they generally precipitate it on a white body, and it colors this white body, thus forming a lake; the aurine produces the color; in fact you can do without the white substance, but of course it would be too costly, and you can make it brighter by the addition of white material, that is, any white insoluble body that is in a fine state of division.

Cross-examined:

63 Has dealt in aurine eighteen years; has not imported very large qualities of it; imports more than a ton a year; we sell it, some to the pulp-makers, and some little to the dyers; the main use of it is for making pulp colors and for wall-paper. It is very doubtful whether it is an acid or not; will not state positively that it is not an acid. Aniline colors have existed since 1860. It was a large branch of commerce in 1861; not very large here, but in England it was a large branch; rosalic acid was not withdrawn as a dye for any unsuitability that it had; the only thing was that other colors came up in the market which were of better quality and faster; it wasn't withdrawn until a superior article was brought forward; rosalic acid is not a fast color compared with the present colors; rosalic acid is not a poisonous color; knows it not to be; is positive about that; can bring testimony to the effect that this report about poisonous stockings is all nonsense; it was got up to injure the trade in that country; has manufactured rosalic acid; does not now; has made some in this country; has been in business here since 1860; was in business before in England; made rosalic acid there at the request of Reed, Holiday and Sons; in his opinion picric acid is an acid, a true acid; is somewhat acquainted with the term aniline dyes; prior to 1883, answering generally, the term aniline color or dyes included all coal-

64 tar dyes; the proper term is coal-tar dyes, but in the trade they use the term aniline colors; aniline dyes and coal-tar colors are, in his opinion, in the trade synonymous.

To further sustain the issues the defendant called—

JOSEPH CHEEVER, who, being sworn, testifies that he was in business in this city as superintendent of works and managing chemist of the New York Coal-Tar and Chemical Company; is a practical chemist; has been in the business 20 years; is acquainted with coal-tar colors and dyes; acquainted with the processes of the distillation of coal-tar; knows the article picric acid, tri-nitro benzol; picric acid is a yellow coloring matter made by the action of nitric acid upon sulpho-phenated soda; it has been used to make salts for explosive purposes, and largely for coloring purposes, dyeing; so far as his knowledge goes its main use in this country at the present time is for dyeing; it has not been extensively used as an explosive in this country; it used to be made by the action of nitric acid

on carbolic, but that caused too many kick-ups; the carbolic acid is a derivative from coal-tar; is a phenol; has heard of the substance
65 rosalic acid by that name; knows aurine; aurine is a derivative of phenol also, made by the action of oxalic acid on phenol; sulphuric acid is a derivative of coal-tar, made especially from coal-tar; not familiar with the color trade in New York, but understands it to be a coloring body derived from coal-tar; aurine is not an acid, because it lacks the principal characteristics of acids; in his opinion the fact that aurine does combine with alkalies to form salts does not make it an acid; quinine will do that; so will cinchorine; alcohol will combine with alkalies, sodium, and potassium; benzol acid also has a faculty of combining also with acid; it has both faculties.

Cross-examined:

Does not deal in colors; we are coal-tar distillers; make carbolic acid by the ton; we make nitro benzol; nap'tha line, of course, benzol in large quantities and phenol more or less; carbolic acid is a product of coal-tar, such as nap'tha, or benzine or benzol or oil or pitch; it exists ready made in the tar; it is in the light oil; if you find nap'tha you will find that with it; it would be in the nap'tha to an extent of eight or ten per cent.; carbolic acid is used in the first place for making colors; in the next place it is used in a great many purposes in manufacturing processes; we
66 sell more weight of carbolic acid to one manufacturing company to manufacture hose than we do to all the druggists in town; as antiseptic in that sense of the process of manufacture he knows two-thirds of what he sells is for that purpose; carbolic acid is not an acid; it is generally called carbolic acid in the trade; tri-nap'thol is another name for picric acid; thinks people do not buy and sell it under that name but under the name picric acid; the first knowledge he had of picric acid was in 1863; that was made from coal-tar; we do not manufacture picric acid; we have made it a good many times, but not to sell; has made rosalic acid a good many times, but not to sell, just as a lab'ratory product.

To further sustain the issues the defendant called—

ADOLF KUTROFF, who, being sworn, testified that he was a member of the firm of Pickhardt and Kutroff, importers and dealers in coal-tar colors and dyes; knows picric acid; it is a dye stuff; it is a coal-tar dye; its main use in this country is to dye yellow on wool and silk; sells it to dyers; knows aurine; aurine is a red coloring-matter; understands
67 it in the trade to be made from carbolic acid, which in turn is made from coal-tar; aurine is used for making a red pigment; sells it to color-makers as a material for coloring, coloring lakes and colors.

Cross-examined:

Knows aurine in trade and commerce under the names aurine, coraline, and rosalic acid; imports it more or less; have imported very large quantities of it, but not since several years; sells it to color-makers, manufacturers of wall-paper, those who made their own colors; they can line the rosalic acid with other articles to make a lake of it: as far as he knows it is made from carbolic acid; has not sold picric acid by any other name.

Q. Do you know any color receipt they have for extracting the color?—A. They don't extract it; the color is there already; they use some

other substance not found with picric acid to produce a dye, but they use that mostly; aniline colors and dyes, or coal-tar colors and dyes, are generally known by some descriptive name, descriptive of their color, as magenta red, or Nicholson blue, or Hoffman violet; that is true of nearly all coal-tar dyes; some have names for the colors they produce, and some have other names which would not denominate the color; picric
68 acid is about the same in price as the other aniline colors; some are higher than picric and some about the same price; the use of picric acid is not as large as it was years ago; has only sold it for dyeing; knows that nitric acid is a dye; has used it for dyeing; it will not itself produce a dye upon cloth; it produces a dye in the cloth; never heard of carbolic acid producing any dye in cloth; carbolic acid is the coal-tar product from which both picric and rosalic acid is derived and from which the phenol colors are derived generally.

WILLIAM PICKHARDT, examined as a witness for the defendant, testified that he was a member of the firm of Pickhardt & Kutroff, importers and dealers in dyes and dye-stuffs; knows picric acid; it is a dye-stuff; wouldn't call it an analine dye, and phenol dye is a name not known to the trade; would call it an acid dye, dyeing by itself alone and in conjunction with other acid dyes; can't say what they make it from at present; it was produced from coal as far as I know; it is largely used as a dye, and that is what I sell it for; know and deal in aurine; sell it for making pigments and lakes for wall-paper; it is the coloring
69 material.

Thereupon the testimony being closed, the court charged the jury as follows:

WHEELER, *J.*:

GENTLEMEN: These articles are to be tried separately, as if the case involved two cases, as to the duty on each; and the question in the case, as to each, is where each in the tariff act of 1883 falls. Now, take picric acid itself. Prior to 1883 it was in the tariff act under the free list as an article free from duty. In the act of 1883 that name was dropped, and it was left to fall where it would among all the expressions that were used. In this case the question raised by the protest which the plaintiffs made to the assessment of duty is as to whether it is an acid used for either medicinal, chemical, or manufacturing purposes. If it is an acid and used for either of those purposes the plaintiffs are right as to that, and they are entitled to a verdict.

Now, then, as to whether it is an acid. It is an acid if it was understood at the time of the passage of this act of March 3rd, 1883, as an acid among those having occasion to deal in it and who dealt in it at or before that time in this country. Was it an acid? If so, then the next
70 question is whether it was use either for chemical, medicinal, or manufacturing purposes. Now you have heard the evidence as to that. If it was so used, and used so generally as to be commonly understood among those dealing in it that it was an article of that class, falling within the class of articles so used, then it is to be taken to have been so by you. If, on the other hand, it was commonly understood among those dealing in it and trading in it to fall in the class of coal-tar dyes and colors, then it must go there; and if it falls among the class of articles used for medici-

nal, chemical or manufacturing purposes, and is an acid, then the plaintiffs are entitled to recover; if not, the defendant is entitled to a verdict.

Now, as to a chemical purpose, or a medicinal or manufacturing purpose, you will see from what I have stated that it need not be universally used for one of those purposes; that is not it. It ought to be so exclusively used as by the understanding of those dealing in it and using it as to fall within that class. As if inquiry was made as to where this would
71 fall among those persons, where would they answer that it would fall? If inquiry was made among them as to whether this was an acid, what would they answer? Would they say it was an acid or not? If inquiry was made as to whether it was an acid used for medicinal purposes, or chemical purposes, or manufacturing purposes, what would they say? Would they say it was used for manufacturing purposes? I mean if inquiry was made as to whether it would fall in that class was it so generally understood in its use to fall within that class as to be so said? If so, then you ought to put it there; if not, not.

Now, as to the other. This rosalic acid, or aurine, or coralline. It has several names. Now, at the time of the passage of this act, was this an acid, or understood to be so among those dealing in it, or having occasion to use it? If so, the plaintiff is entitled to recover as to that. If it was used for chemical, medicinal, or manufacturing purposes so extensively as to be understood among those dealing in it in trade and those using it that it would fall within that class, just as I explained in the other case. This evidence is all fresh in your minds. You have heard its constitution explained and its uses explained; what it comes from.
72 Now, it is largely produced from coal-tar and the derivatives of coal-tar. Take the evidence altogether, was it right to call it a coal-tar dye or color, or ought the collector to have classed it as an acid, used for manufacturing, chemical, or medicinal purposes? If the latter, and the plaintiffs have shown to you the latter, then you may return a verdict for the plaintiffs. If not, return a verdict for the defendant.

Before delivering the charge of the court to the jury the defendant, by his counsel, duly requested, in writing, the court to charge as follows:

I.

If the expressions "coal-tar dyes" and "coal-tar colors" were trade names in vogue among commercial men in this country at and prior to the date of this act (March 3rd, 1883), and if those expressions or either of them in the parlance of commercial men at that time covered and included picric acid, then the plaintiffs are not entitled to recover so far as their claim on picric acid is concerned.

The court refused to instruct the jury except as in the charge, to
73 which ruling counsel for defendant excepted, which exception was duly allowed.

II.

If the expressions "coal-tar dyes" and "coal-tar colors" were trade names in vogue among commercial men in this country at and prior to the date of this act (March 3rd, 1883), and if those expressions or either of them in the parlance of commercial men at that time covered and in-

cluded rosalic acid, then the plaintiffs are not entitled to recover so far as their claims on rosalic acid is concerned.

The court refused to instruct the jury except as in the charge, to which ruling counsel for defendant excepted, which exception was duly allowed.

III.

If the jury are satisfied by the evidence that at and prior to the date of this act the commodity picric acid was usually and principally derived from coal-tar, then the plaintiffs are not entitled to the verdict so far as their claim on picric acid is concerned.

The court refused to instruct the jury except as in the charge, to
74 which ruling counsel for defendant excepted, which exception was duly allowed.

IV.

If the jury are satisfied by the evidence that at and prior to the date of this act the commodity rosalic acid was usually and principally derived from coal-tar, then the plaintiffs are not entitled to the verdict so far as their claim on rosalic acid is concerned.

The court refused to instruct the jury except as in the charge, to which ruling counsel for defendant excepted, which exception was duly allowed.

V.

As to each of the articles imported the plaintiffs are not in any aspect of the case entitled to the verdict unless the jury are satisfied that it is an acid within the meaning of the term "acids" used in the law.

The court refused to instruct the jury except as in the charge, to which ruling counsel for defendant excepted, which exception was duly allowed.

75 VI.

In determining whether the articles imported are within the meaning of the term "acids" used in the law the jury should be governed by the state of knowledge existing at the time the law was enacted (March 3rd, 1883), and they should take into account the common and general acceptance of the term at that time, and what was included in and covered by it according to the understanding of commercial men in this country at that time as well as the meaning attached to the term at that time by chemists and scientists.

The court refused to instruct the jury except as in the charge, to which ruling counsel for defendant excepted, which exception was duly allowed.

VII.

Picric acid, merely because it is so-called, is not therefore an acid within the meaning of the law.

The court refused to instruct the jury except as in the charge, to which ruling counsel for defendant excepted, which exception was duly allowed.

76

VIII.

Rosalic acid, merely because it is so called, is not therefore an acid within the meaning of the law.

The court refused to instruct the jury except as in the charge, to which ruling for counsel defendant excepted, which exception was duly allowed.

IX.

To be free of duty within the meaning of the phrase "Acids used for medicinal, chemical, or manufacturing purposes." An acid must be generally and distinctly used for one or other of those purposes. It is immaterial that it is merely occasionally or to a slight extent so used.

The court refused to instruct the jury except as in the charge, to which ruling counsel for defendant excepted, which exception was duly allowed.

X.

The use of picric acid or rosalic acid as a dye is not a use for "medicinal, chemical, or manufacturing purposes" within the meaning of the law.

77 The court refused to instruct the jury except as in the charge, to which ruling counsel for defendant excepted, which exception was duly allowed.

XI.

The use of rosalic acid as material in the manufacture of lakes or colors is not the use of an acid (even though rosalic acid be an acid) "for medicinal, chemical, or manufacturing purposes," within the meaning of the law.

The court refused to instruct the jury except as in the charge, to which ruling counsel for defendant excepted, which exception was duly allowed.

XII.

If the jury believe that the principal use of rosalic acid is in the making of lakes and colors, and that for such purpose its tinctorial properties are the substantial reason for its use, while its acid properties (if it has any) are mere accidents in its use for that purpose, then it is not to be regarded as an acid used for manufacturing purposes within the meaning of the law, and the verdict as to it should be for the defendant.

78 The court refused to instruct the jury except as in the charge, to which ruling counsel for defendant excepted, which exception was duly allowed.

XIII.

If the jury believe that the principal use of the picric acid is as a dye, and that for such purpose its tinctorial properties are the substantial reason for its use, while its acid properties (if it has any) are mere accidents in its use for that purpose, then the verdict as to it should be for the defendant.

The court refused to instruct the jury except as in the charge, to which ruling counsel for defendant excepted, which exception was duly allowed.

XIV.

Nothing is free of duty under the provision for "acids used for medicinal, chemical, or manufacturing purposes," unless it is used as an acid in a real and substantial sense for one or other of those purposes.

The court refused to instruct the jury except as in the charge, to which ruling counsel for defendant excepted, which exception was duly allowed.

79 XV.

So far as plaintiffs' claim on rosalic acid is concerned, the defendant is entitled to the verdict.

The court refused to instruct the jury except as in the charge, to which ruling counsel for defendant excepted, which exception was duly allowed.

XVI.

So far as plaintiffs' claim on pieric acid is concerned, the defendant is entitled to the verdict.

The court refused to instruct the jury except as in the charge, to which ruling counsel for defendant excepted, which exception was duly allowed.

The jury found a verdict for the plaintiffs as to both articles.

And because none of said matters appear upon the records of said trial, therefore, on the prayer of the defendant, by his counsel, the said judge has signed and sealed this bill of exceptions nunc pro tunc as of the 11th day of December, 1885, and ordered the same to be filed.

HOYT H. WHEELER.

80 (Indorsed:) U. S., 9577. U. S. circuit court, southern district of New York. Louis Lutz et al., versus Wm. H. Robert*on*. Bill of exceptions. William Dorsheimer, United States attorney, attorney for def't.

Due service of a copy of the within is hereby admitted. New York, , 188 . , attorney for pl'f.

To , attorney for pl'f.

U. S. circuit court. Filed April 18, 1886. Timothy Griffith, clerk.

81 *Assignment of errors.*

Supreme Court of the United States.

WILLIAM H. ROBERTSON, PLAINTIFF IN ERROR,
v.
LOUIS LUTZ & JOSEPH MOVIUS, DEFENDANTS in error.

Afterwards, to wit, on the second Monday of October, in the same term, before the justices of the said court at the Capitol in Washington, comes the said plaintiff in error, by Stephen A. Walker, (his) attorney, and says, that in the record and proceedings aforesaid there is manifest error in this, to wit, that by the record aforesaid it appears that the judgment aforesaid, in form aforesaid given, was given for the said defendant in error against

the said plaintiff in error, whereas by the law of the land the said judgment ought to have been given for the said plaintiff against the said defendants.

And the said plaintiff prays that the judgment aforesaid for the error aforesaid and other errors in the record and proceedings aforesaid may be reversed, annulled, and altogether held for nothing, and that he, the said plaintiff, may be restored to all things which he has lost by occasion of said judgment, &c.

STEPHEN A. WALKER,
Attorney for Pl'ff in Error.

82 (Indorsed:) 9577. United States Supreme Court. Wm. H. Robertson, pl'ff in error, vs. Louis Lutz & ano., def'ts in error. Assignment of error. Stephen A. Walker, att'y for plaintiff in error.

Due service of a copy of the within assignment of errors is hereby admitted this 4th day of June, 1886.

HARTLEY & COLEMAN,
Att'y for Def'ts.

U. S. circuit court in error. Filed June 4, 1886. Timothy Griffith, clerk.

83 *Citation.*

UNITED STATES OF AMERICA, *ss:*

To Louis Lutz & Joseph Movius, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington, on the second Monday of October, eighteen hundred and eighty-six, pursuant to a writ of error, filed in the clerk's office of the circuit court of the United States for the southern district of New York, wherein William H. Robertson is plaintiff in error, and you are defendants in error, to show cause, if any there be, why the judgment in the said writ of error mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Dated June 4th, 1886.

WM. J. WALLACE.

84 (Indorsed:) 9577. U. S. Supreme Court. William H. Robertson, plaintiff in error, against Louis Lutz & ano., defendants in error. Citation. Stephen A. Walker, attorney for pl'ff in error.

Due service of a copy of the within citation is hereby admitted this 4 day of June, 1886.

HARTLEY & COLEMAN,
Attorneys for Defendants in Error.

(Indorsement on cover:) No. 322. William H. Robertson, collector of the port of New York, plaintiff in error, vs. Louis Lutz and Joseph Movius. S. New York C. C., U. S. Filed August 19, 1886.